

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 1 - 26 are pending in the application. Currently, claims 1 - 3 and 5 - 26 stand rejected. The office action contains no rejection of claim 4 and therefore, it is assumed that claim 4 is allowable.

By the present amendment, the subject matter of claim 4 has been incorporated into claim 1 and thus, claim 4 has been cancelled. Further, independent claims 8, 14 and 20 have been amended.

In the office action mailed November 1, 2004, claim 19 was rejected under 35 U.S.C. 112, second paragraph; claims 1 - 3, 5 - 9, 11 - 15, 17 - 22 and 24 - 26 were rejected under 35 U.S.C. 102(b) as being anticipated by the Stachler et al. reference of record; and claims 10, 16, and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Stachler et al. reference of record in view of the Baker reference of record.

The foregoing rejections are traversed by the instant response.

The present invention relates to an impact tool which comprises a shaft, a stop on the shaft, a slider movable on the shaft for striking the stop to create an impact force, and a handle on the slider to allow a user to move the slider. The handle comprises two legs extending from the slider and a central section between the legs. The handle moves relative to the slider when the slider strikes the stop to isolate the handle from the impact force.

With respect to the rejection of claim 19 on indefiniteness grounds, it appears that the Examiner was not looking at the correct version of claim 19. As amended in the last amendment,

claim 19 contains the phrase "said shaft" on line 2. Antecedent basis for this phrase can be found on lines 1 - 2 of the claim. For these reasons, the rejection should be withdrawn.

As noted above, there is no prior art rejection of claim 4. Therefore, it is assumed to be allowable. The subject matter of claim 4 has been incorporated into claim 1. Thus, claims 1 - 3 and 5 - 7 are believed to be allowable.

Claim 8 has been amended to call for "a handle movably attached to said slider to allow a user to move said slider and said handle being moveable relative to said slider from a first position in proximity to said first end to a second position in proximity to said second end when said slider strikes said stop." The knobs in Stachler et al. which the Examiner has deemed to be the handle are not movable from the claimed first position to the claimed second position. In fact, the handles are stationary with respect to the first and second ends of the slider. For this reason, claims 8 - 9, and 11 - 13 are allowable over Stachler et al.

By the present amendment, claim 14 has been amended to call for "said handle moves relative to said slider in a direction parallel to a longitudinal axis of said sleeve when said slider strikes a stop on said impact tool to isolate said handle from a force created by said slider striking said stop." The knobs in Stachler et al. do not move relative to the slider in a direction parallel to a longitudinal axis of the sleeve. The knobs rotate about an axis perpendicular to the longitudinal axis of the sleeve. For this reason, claims 14, 15, and 17 - 19 are allowable over Stachler et al.

By the present amendment, claim 20 has been amended to call for "said handle moves relative to said slider along an axis parallel to said longitudinal axis as the user moves said slider towards and away from said stop." The knobs in Stachler et al.



do not perform such a movement. For these reasons, claims 20 - 22 and 24 - 26 are allowable over Stachler et al.

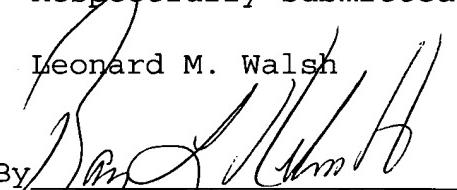
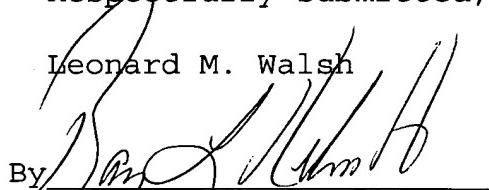
The rejection of claims 10, 16 and 23 over the combination of Stachler et al. and Baker has been mooted by the amendments to claims 8, 14, and 20. Baker does not cure the aforenoted deficiencies of Stachler et al. While Baker may show a pivotable handle, the handle is not located on a slider. Nor does Baker have a handle which will avoid transmitting the forces created on impact to a user.

For these reasons, claims 1 - 3, and 5 - 26 are believed to be allowable. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, he is hereby invited to contact Applicant's attorney at the telephone number listed below.

A notice of appeal is appended hereto. The Director is hereby authorized to charge the notice of appeal fee of \$500.00 to Deposit Account No. 21-0279. Should the Director determine that an additional fee is due, he is hereby authorized to charge said fee to said Deposit Account.

Respectfully submitted,

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I, Nicole Motzer, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on January 28, 2005.